

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JOHN ALLEN HESSMER ]  
Defendant, ]  
] No. 3:11cv689  
v. ] (No. 3:11-mc-0042)  
] Judge Campbell  
COMMUNISTIC TERRORISTS OF ]  
WILSON COUNTY ]  
Plaintiffs. ]

O R D E R

The Court has before it the defendant's *pro se* Notice of Removal of Criminal Prosecution (Docket Entry No.1) brought pursuant to 28 U.S.C. § 1443.

A filing fee is not required for removal of a state criminal action to this Court under 28 U.S.C. § 1443. Lefton v. City of Hattiesburg, 333 F.2d 280 (5<sup>th</sup> Cir.1975). Therefore, the Clerk shall transfer this action from the miscellaneous docket to the Court's civil docket.

The defendant is attempting to remove an unidentified criminal prosecution from the Circuit Court of Wilson County to federal court. A removal petition brought pursuant to 28 U.S.C. § 1443 must (a) allege that the defendant is being denied a specific civil right stated in terms of racial equality and (b) that this specific civil right can not be enforced in the state courts. Johnson v. Mississippi, 421 U.S. 213,219 (1975).

The defendant has neither shown the denial of a specific civil right related to racial equality nor the inability of the state courts to enforce such a right. In addition, the defendant has neglected to show that his removal petition is timely. 28 U.S.C. § 1446(c) (1) ("A notice of removal of a criminal prosecution shall be filed not later than thirty days after the arraignment in the State court, or at any time before trial, whichever is earlier...").

Accordingly, this action is hereby REMANDED to the Circuit Court of Wilson County, Tennessee.

It is so ORDERED.

Todd Campbell  
Todd Campbell  
United States District Judge